IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition no,. 205 of 2005
in
Writ Petition no. l383 of2003

Pramod D Aher and ors.. appellants
vs
J S Sahariy Secretary Krushi
& Padum department and ors.... respondents.

Mr S.S.Pakale for petitioners
Mr.A.A.Kumbhakoni Asso Adv General with Mr
A.H.Palekar AGP for respondents

CORAM; A.M.KHANWILKAR J.

DATED 7.3.2006

P.C.

l. This petition is to initiate contempt action against the respondents on the assertion that there is non compliance of the directions contained in the order dated 3l.7.2003. The said order reads thus:

P.C.

Leave to amend.

Heard Parties. Perused the affidavit filed on behalf of the State Government.

Mr Rane the ld Addl G P stated that the post for which the petitioners had made application and for which they were

interviewed are excluded from the government resolution dated 6.6.200l and therefore, the question of filling up those posts by making appointments on contract basis does not arise. Mr. Rane further stated tat the Konkan Selection Board had taken written test for the posts of Gram Sevak/Agricultrual Asst and those who were passed in the written test were called for interview on l9th Feb 2000 and the oral interview were conducted . However, a complaint was made that the candidates belonging to the remote area such as Dahanu, Talasari, Javar and Wado were not considered for the interview. Pursuant to the complaint, the State Government has granted stay to the further proceedings.

The State Government is directed to take a decision on the complaint one way or the other within six months and if the complaint is found to be without any substance, complete the selection process and fill up the vacancies in accordance with law.

Petition is disposed of"

. The direction given in this order, in my opinion, principally requires the State Government

to take decision on the complaint one way or the other within six months and if the complaint is found to be without any substance complete the selection process and fill up the vacancies in accordance with law. There is no dispute that necessary decision has been taken on the said complaint by the appropriate authority. There is also no dispute that thereafter the State Government proceeded with the formalities of selection process to fill up the vacancies in respect of l90 posts of Gramsevaks. If this is so, the question of non compliance of the directions contained in the order referred to above does not arise. To get over this position Mr. Pakale for petitioner would contend that there is also direction regarding completion of selection process and filling up of vacant posts of Agricultural Assts. This submission clearly overlooks that the main petition no.l383 of 2003 as was filed was regarding the post of gramsevaks. No more and no less. In the circumstances, the action of the State Government in not proceeding with the selection process or filling up the vacancies of Agricultural Assts was not a cause that can be questioned in this petition by the petitioners.

. Mr Pakale for the petitioners,however, relied on

the affidavit filed by the Principal Secretary to contend that the Principal Secretary of the agricultural department has conceded that he would take necessary steps for filling up the posts of Agril Assts and comply with the directions of this court even in respect of Agril Assts and report in two months time to be granted for that purpose. That affidavit cannot be the basis to hold that the respondents have committed contempt of the order passed by this court on 3l.7.2003.

. Viewed in this perspective the question of initiating contempt action against the respondents does not arise . Hence petition is dismissed.